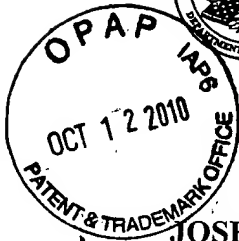




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#08/715439

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ST LOUIS, MO 63102

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Montie MINER
Patent No. 5,738,192
Issue Date: April 14, 1998
Attorney Docket No.

DECISION ON PETITION

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This is a decision on the petition filed in the above-identified application.

The petition is **DISMISSED**.

Receipt is acknowledged of the renewed petition filed November 6, 2009. The petition is considered to be filed under 37 CFR §1.378.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require that each petition to reconsider a decision on request for late acceptance of maintenance fees be filed within two months of said decision, as well as the petition fee as set forth in 37 CFR §1.17(f). See 37 CFR §1.378(e).

A review of the file indicates that a petition decision was mailed on August 28, 2009 with a TWO (2) MONTHS time limit set to respond. Extensions of time under 37 CFR §1.136(a) were permitted. A reply by petitioner was received on November 6, 2009. However, no extension of time fee was received.

The petition in the above-identified application was not filed within two months of the decision mailed August 28, 2009, and was not accompanied by payment of the required fee. Hence, this petition must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:


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Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.


Thurman K. Page
Petitions Examiner
Office of Petitions